THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16032 OF 2006

ORAL ORDER:

This writ petition is filed aggrieved by the action of the 2nd respondent in not entertaining the application of the petitioner dated 28.7.2006 requesting correction of date of birth in the Passport bearing No.A1417995. It is stated that the petitioner was issued a Passport on 22.7.1996, which was valid up to 21.7.2006. It is further stated that she made an application on 28.7.2006 for fresh Passport and also made a request to correct the date of birth, as 2.12.1981, which was wrongly mentioned in the earlier Passport, as 8.10.1977. It appears that there are certain other mistakes have crept in the earlier Passport and the petitioner made a request to correct the same. Alleging that the said request has not been entertained, this writ petition is filed.

Despite service of notice, the respondents did not appear and no counter affidavit is filed opposing the relief sought.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
>
> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
>
> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v.**

Regional Passport Officer, Secunderabad[1] held that as per the circular dated 18.04.2001, it is permissible to accept the application for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

In the case on hand, admittedly, the Passport dated 22.7.1996 was valid up to 21.7.2006. Hence, the question of correcting the entries in the said Passport does not arise. However, the principle laid down in the above decision applies even to a fresh Passport and, therefore, the application made by the petitioner for grant of a fresh Passport with corrected entries requires to be considered in terms of the circular dated 18.4.2001.

Accordingly, following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of making it clear that in case it is established by the petitioner that the mistakes in the entries in the earlier Passport dated 22.7.1996 were only on account of technical errors, the 2nd respondent shall consider the application of the petitioner dated 28.7.2006 for fresh Passport on the basis of the correct details furnished along with the supporting material, and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of 4 weeks from the date of receipt of a copy of this order.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

6th December, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16032 OF 2006

6th December, 2006

Between:

Amtul Raqueeb @ Amatul Raqheeb. .. Petitioner.

And

The Joint Secretary (CVP) &
Chief Passport Officer, CVP Division,
Ministry of External Affairs,
Patiala House Annexee,
Tilak Marg, New Delhi and another .. Respondents.

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.